

valve spindle for controlling the hot water flow, and wherein each handle slide may be operated independently of the other handle slide.

REMARKS

The Examiner first notes that the oath references a foreign priority document, but omits the date of this foreign document. The foreign priority document is dated 12 March 2003, and a copy is provided. A revised oath is submitted herewith.

Next, the Examiner objects to claims 6-8 under 37 CFR 1.75(c), as being improper. Since the claims were written in primarily European format, Applicant has replaced original claims 1-8 with new claims 9-16.

Substantively, the Examiner rejects claims 1-5 under 35 USC 103 (a) as being unpatentable over US Patent No. 6,021,811 to Hennessy ("the Hennessy '811 patent"), in view of US Patent No. 4,592,388 to Wilcox ("the Wilcox '388 patent").

Although the Hennessy reference discloses a number of the elements disclosed in the instant invention, the Examiner misses the essence of Hennessy, and therefore, the impossibility of being able to combine Hennessy with Wilcox. It is not incidental, but imperative to the Hennessy invention, that the handles be situated (1) above the sink, and (2) spaced sufficiently close together to be operated simultaneously with one hand. In fact, Hennessy recites as follows:

As shown in Fig. W, the dual faucet handles 62 and 64 are easily conjointly manipulated by a single hand 150 of the user. Normally the wrist is placed on the countertop 24, or other mounting surface, so that the fingers overlap the handle body 60, or stated otherwise, the handle body is fitted within the grasp of the user's hand. By maintaining the wrist in a generally stationary position on the countertop, the handles are manipulated with a palming motion or by using the

finger tips to pull or push the handles, with perhaps a slight twisting of the wrist. As noted above, **an important feature of the invention is that the shape of the handles, their constraint to an overlapping relationship, AND their very close spacing, prevents pinching of the fingers during such manipulation by the hand.**

It is VERY SIGNIFICANT to the present invention that the relationship of the handles 62 and 64 to each other and to the countertop 24 or other mounting surface provides an indication to the user, both visually and tactilely, of the net flow or volume and the temperature of the water exiting from the faucet outlet 28.

[Hennessy '811 patent; Column 8, lines 42 – 61. Emphasis added.]

From the above quotation, Hennessy makes no accommodation for an upwardly-extending faucet spout, particularly one that would extend upwards between the handles. In fact, it is the very essence of the Hennessy invention to keep the faucet handles spaced close together. Independent claim 9 is therefore not anticipated by Hennessy, and Hennessy would certainly not provide motivation for any such combination with Wilcox.

Even if the Examiner considers the counter top or sink of Hennessy to be the structural equivalent to the faucet body (body part) of the instant invention, Hennessy cannot be construed to disclose handle slides extending laterally from the faucet body, as is now recited in claim 9. In fact, Hennessy requires its handles to be placed on top of the sink in an orientation in very close proximity to the valve.

Although not required to distinguish over Hennessy, dependent Claim 11 further recites the circumferential groove on the faucet spout. Neither Hennessy nor Wilcox disclose such a faucet spout having a circumferential groove. In fact, Hennessy does not disclose a spout at all, and would suggest that the existence of a spout would be contrary to the invention.

The detail recited in the other dependent claims only serves to further distinguish the instant invention from the Hennessy '811 patent.

With the foregoing amendments, Applicant has distinguished the instant invention from Hennessy, and has shown that Hennessy provides no motivation or suggestion to combine its teachings with Wilcox or any other conventional faucet reference. Accordingly, Applicant believes that he has now placed the instant application in condition for allowance.

A three-month Petition for Extension of Time Under 37 CFR 1.136(a) is being submitted with this Response. Please charge any additional fees that may be due to Deposit Account No. 13-1981.

Respectfully submitted,



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